

REMARKS

The Office Action and Advisory Action of December 12, 2006 indicated that the subject matter of Claims 10-41, 45, 47, 49, 50, 52 and 58-70 were allowed.

The rejected Claims 1-6, 8, 9, 42, 44, 51, 53 and 56 have been cancelled.

The only remaining issue is whether Claims 54, 55 and 57 now resolve the 35 U.S.C. §101 issue of statutory subject matter.

Applicant wishes to thank Primary Examiner Vu for the courtesy of a telephone conference on December 15, 2006 where she directed the undersigned to review MPEP §2106 IV and to ensure that Claims 54, 55 and 57 were in full compliance with these guidelines in addition to defining “a computer-readable medium” as suggested in Paragraph 3 of the Final Rejection.

Primary Examiner Vu graciously agreed to review a further written submission with the designated SPE on 35 U.S.C. §101 issues.

Accordingly, Claims 54 and 55 now define not only the “computer-readable medium storing” an executable computer program, e.g. broadcast program, but further defines pursuant to MPEP §2106 IV B 2 (b)(i) physical acts to be performed outside of the computer in causing a broadcast apparatus to multiplex by broadcasting program data, additional data, cache instructions and use instructions to a reception device to enable a broadcast to a user base.

Finally, Claim 57 now defines not only the “computer-readable medium storing” an executable program, but further defines a reception program also executable by a computer that enables the receipt of the multiplexed broadcast data and various instruction data and further enables physical acts of reproducing the program data at an appropriate broadcast time period to a user base.

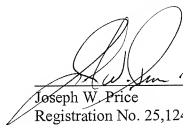
Clearly these useful physical acts of transmission to a reception apparatus and broadcasting of the program to a user base are a practical and useful statutory invention.

The present application only contains allowable claims and accordingly, it is believed that an early notification of allowance should be provided.

If there are any questions with regards to this issue, the undersigned attorney would appreciate a telephone conference.

Very truly yours,

SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read 'Joseph W. Price', is written over a horizontal line.

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